

Contemporary Communications

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July 10, 1998

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Ms. Magalie Roman Salas, Secretary
FEDERAL COMMUNICATIONS COMMISSION
Room 222
1919 M Street, NW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Petition for Rule Making
New FM - Channel 252C3
Logan, Utah

Dear Ms. Salas:

Enclosed please find an original and five copies of a Petition for Rule Making, filed on behalf of L. TOPAZ ENTERPRISES, INC., requesting the allotment of FM Channel 252C3 to Logan, Utah, as that community's third local FM service.

If this proposal is ultimately adopted, L. TOPAZ ENTERPRISES, INC., will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss
Consultant to L. TOPAZ ENTERPRISES, INC.

No. of Copies rec'd 1
List A B C D E
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enclosures (as above)

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket _____
Table of Allotments,) RM - _____
FM Broadcast Stations)
(Logan, Utah))

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 252C3 to Logan, Utah, as that community's third local FM service.

Proposal of Petitioner:

	<u>Channel Numbers</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Logan, Utah	225C2, 233C	225C2, 233C, 252C3

In support of this proposal, the following information is herewith submitted for consideration:

Logan is an incorporated community located in Cache County in northern Utah, approximately 115 kilometers north of Salt Lake City, Utah. The city population is 32,762 and the county population is 70,183 ^{1/}. Adoption of this proposal will provide Logan with its third local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Logan, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, with a site-restriction as specified in the Technical Exhibit.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Logan, Utah. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

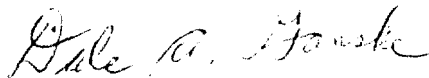
^{1/} Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted.

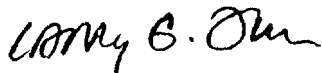
L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
P.O. Box 1787
Cleveland, MS 38732
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July 10, 1998

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TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 252C3
LOGAN, UTAH

L. TOPAZ ENTERPRISES, INC.

Prepared July 6, 1998

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 252C3
LOGAN, UTAH**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 252C3 to Logan, Utah, as that community's third local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 252C3 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 252C3 may be allocated to Logan in full compliance with Section 73.207(b), provided a site-restriction approximately 4 kilometers south of the community were imposed.

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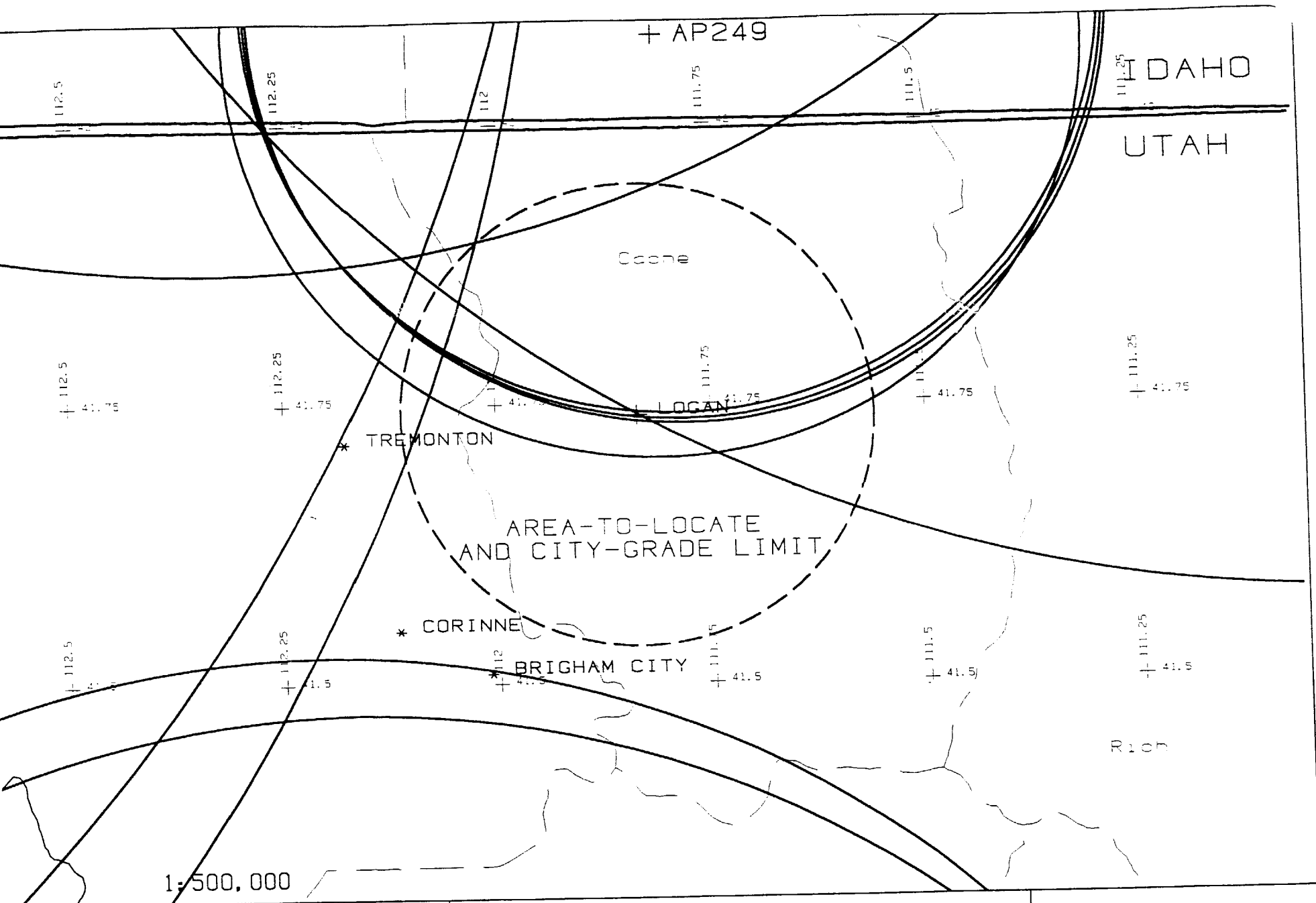
The "area-to-locate" for Channel 252C3 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Logan in which to locate a transmitter site. Assuming maximum Class C3 facilities (25 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 252C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

NEW FM DROP-IN SEARCH
LOGAN UTAH

REFERENCE
41 42 08 N
111 50 12 W

CLASS = C3
Current Spacings

DISPLAY DATES
DATA 07-04-98
SEARCH 07-04-98

----- Channel 252 - 98.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AP249 AP 249A Franklin	ID	42.02	3.3	42.0	0.02	
42 04 48 111 48 27 ZCN	0.140 kW	10 M				
DBM Entertainment Enterprises BPH970814MJ 970826						
ALOPEN AL 249A Franklin	ID	45.64	6.1	42.0	3.64	
42 06 39 111 46 40 N	0.000 kW	0 M				
97-13 WO= 970714 970711						
KRSVFM LI 252A Afton	WY	145.83	28.6	142.0	3.83	
42 51 02 110 58 46 CN	3.000 kW	-88 M				
Western Wyoming Radio, Inc. BLH861124KC 971009						
AP249 AP 249A Franklin	ID	46.03	5.6	42.0	4.03	
42 06 53 111 46 55 CN	1.400 kW	205 M				
Franklin Broadcasting, Inc. BPH970814MT 970908						
AP249 AP 249A Franklin	ID	46.57	5.0	42.0	4.57	
42 07 12 111 47 13 CN	1.500 kW	186 M				
Michael Radio Group BPH970814MM 970826						
AP252 AP 252C1 Twin Falls	ID	231.95	289.9	211.0	20.95	
42 22 49 114 29 10 CN	100.000 kW	24 M				
R & S Media BPH970731MR 970812						
KBZN LI 250C Ogden	UT	119.76	194.9	96.0	23.76	
40 39 35 112 12 05 CN	26.000 kW	1149 M				
Capitol Broadcasting, Inc. BLH781208AG 960819						
KRSS LI 253C2 Chubbuck	ID	141.71	343.0	117.0	24.71	
42 55 15 112 20 44 CN	6.200 kW	410 M				
Calvary Chapel of Costa Mesa, BLH920428KC 960321						
ALOPEN AL 252C1 Twin Falls	ID	237.74	294.6	211.0	26.74	
42 33 42 114 28 12 N	0.000 kW	0 M				
97-28 WO= 970630 970630						
KBEEFM LI 254C Salt Lake City	UT	124.48	192.6	96.0	28.48	
40 36 30 112 09 34 CN	40.000 kW	894 M				
Citadel License, Inc. BLH880104KB 980107						

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CERTIFICATION

State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. TOPAZ ENTERPRISES, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

7/6/98
Date